

Notice of Allowability

Application No.

09/928,970

Examiner

Jason M. Borlinghaus

Applicant(s)

BEZOS ET AL.

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/18/07.
2. ☒ The allowed claim(s) is/are 1-13 and 39 - 48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Preliminary Matters

When Examiner contacted Applicant's attorney of record, Ronald Schoenbaum, on 9/12/07 concerning the pending allowance in the instant case, Mr. Schoenbaum directed the Examiner's attention to two co-pending applications, application 09/928,977 and 09/928,982. Examiner reviewed said application files and prior art on file for said applications allowing for complete review of potential pertinent prior art.

Allowable Subject Matter

Claims 1 – 13 and 39 - 48 are allowed.

The following is a statement of reasons for indication of allowable subject matter.

The prior art fails to teach or suggest, the limitations of:

- "wherein the pay box generation module is configured to generate, and output to a user, coding that is adapted to be incorporated into an external web page to cause the external web page to display a corresponding pay box, said coding configured to cause a browser that loads the external web page to retrieve a pay box display object from the server system and to display the pay box display object on the external web page, said pay box display object being selectable by visitors to access a corresponding pay page, said external web page hosted by a computer system that is separate from the server system" (as in Claim 1).

Such limitation is present in all independent claims.

It is old and well known in the art to utilize a server system for providing a network-based user-to-user payment system comprised of remotely created web-pages and for some of said web-pages to be enabled to accept payments or fund transfers.

Furthermore, numerous other recited components and listed elements of the claimed system are also old and well known in the art, such as utilization of a database to store said web-pages, a transaction processing module allowing for complete settlement of the fund transfer, and usage of objects or images in a displayed web-page.

However, the inventive or innovative step does not need to be derived from the individual components of the invention but can be derived from a unique or novel approach to combining or utilizing such prior existing elements, for the Federal Circuit has long established that “[c]ombination claims can consist of new combinations of old elements . . . for it may be that the combination of the old elements is novel and patentable.” *Clearstream Wastewater Sys. v. Hydro-Action, Inc.*, 206 F.3d 1440, 1444, 54 USPQ2d 1185, 1189 (Fed. Cir. 2000).

Examiner asserts that the instant application does claim a unique and novel approach through combination of such prior existing elements. In particular, Examiner asserts that the instant application distinguishes from common practice by utilizing a generation module, housed in a server system, that is configured to generate and output to a user, coding for incorporation into an external website that, when activated, retrieves an object from the server system for display on the external website.

Conklin (US Patent 6,336,105) discloses a system for providing a network-based user-to-user payment service comprising a web-page generation module that provides functionality for payees to remotely create their own community web-pages, some of which are enabled to receive payments. (see col. 13, line 58 – col. 15, line 20). Neither this patent, alone nor in combination with others, discloses nor suggests the feature of a generation module, housed in a server system, that is configured to generate and output to a user, coding for incorporation into an external website that, when activated, retrieves an object from the server system for display on the external website.

Gralla (Gralla, Preston. *How The Internet Works. Millennium Edition. Que. 1999.* pp. vi – 324) discloses a system for providing a web-page generation module that provides functionality for individuals to create their own web-pages and a module, housed in a server system (object server), that retrieves objects (images) for display within web pages (via DHTML). (see pp. 144 – 149). Neither this non-patent literature, alone nor in combination with others, discloses nor suggests the feature of a generation module, housed in a server system, that is configured to generate and output to a user, coding for incorporation into an external website that, when activated, retrieves an object from the server system housing for display on the external website.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

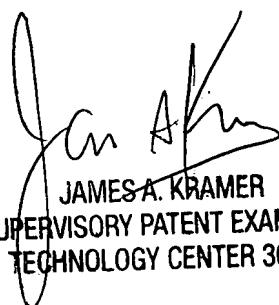
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Borlinghaus (JMB)

September 15, 2007

 9-17-07
JAMES A. KRAMER
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